

GUARDIANSHIP OF A MINOR

3

COURT ORDERS

Part 3: Preparing for and Attending The Court Hearing (Forms and Instructions)

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SELF-SERVICE CENTER

FOR APPOINTMENT OF A PERMANENT GUARDIANSHIP FOR A MINOR

PART 3: The Court Orders: Preparing for and Attending the Court Hearing (Forms and Instructions)

This packet contains court forms and instructions to file and to prepare for attending the court hearing for the appointment of a permanent guardian for a minor. The documents should appear in order as listed below. The items listed in **BOLD** are forms you will need to fill out, copy, and submit to the Court. Do not copy or file the instructions and other non-bold items.

Order	File Number	Title	No. Pp.
1	JG8t	Table of forms in this packet (this page)	1
2	JG8k	Checklist for preparing and attending court hearing	1
3	JG80P	PROCEDURES: PREPARING FOR THE COURT HEARING	1
4	JG80f	“Order to Guardian(s) and Acknowledgment”	3
5	JG81f	“Order of Appointment of a Permanent Guardian of a Minor”	2
6	JG82f	“Acceptance of Appointment as Permanent Guardian” (with Letters of Appointment)	1
7	JG91P	PROCEDURES: WHAT TO DO AFTER THE HEARING	2

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PREPARATION AND COURT HEARING APPOINTMENT OF GUARDIAN FOR A MINOR

CHECKLIST

Use the forms and instructions in this packet only if the following factors apply to your situation:

- ✓ You want to have the court appoint a guardian for a minor.
- ✓ You have given notice to all interested parties, or will do so.
- ✓ You have a court hearing scheduled.
- ✓ You need the paperwork to go to the court hearing.

READ ME: It is very important for you to know that when you sign a court document, you may be helping or hurting your court case. Before you sign any court document, or get involved with a court case, it is important that you see a lawyer to make sure you are doing the right thing. The Self-Service Center has a list of lawyers who can give you legal advice and can help you on a task-by-task basis for a fee. If you want to know more about our list of lawyers and our list of mediators, ask the Self-Service Center staff.

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PROCEDURES: PREPARING FOR THE COURT HEARING GUARDIANSHIP OF A MINOR

STEP 1 Documents to prepare before the Court Hearing:

- A. ORDER TO GUARDIAN(S) AND ACKNOWLEDGMENT:** The Petitioner must complete the filing party's information in the top left-hand corner and the caption (name of minor and case number) and read and sign the document called ORDER TO GUARDIAN(S) AND ACKNOWLEDGEMENT. This document contains the basic set of instructions about what the duties of a guardian are.
- Petitioner must sign the original Order in the **acknowledgement** section, make **1 copy**, and bring the original and the copy to the hearing.
- B. ORDER OF APPOINTMENT OF PERMANENT GUARDIAN OF A MINOR:**
- Complete the caption of the Order.
 - The Judge or Commissioner will sign this Order after the hearing if he or she agrees that a guardian should be appointed. The Judge/Commissioner will fill in the rest of the Order at the hearing.
 - Make and bring 1 copy of the order to the hearing
- C. OTHER DOCUMENTS TO BRING TO THE HEARING:** In addition to the two documents listed above, you also need to bring a conformed copy, one that has the date-stamp from the Clerk's office on it, of any document you filed with the Clerk including:
- NOTICE OF HEARING
 - PROOF OF NOTICE OF HEARING
 - WAIVER OF NOTICE (if applicable) -- signed by interested person
 - ACCEPTANCE OF SERVICE (if applicable) -- signed by interested person
 - AFFIDAVIT SUPPORTING PUBLICATION (if applicable)
 - AFFIDAVIT OF PUBLICATION (if applicable)
- D. ACCEPTANCE AND LETTERS OF APPOINTMENT AS PERMANENT GUARDIAN OF A MINOR:** These documents will be presented to the Clerk of the Court after the Judge/Commissioner grants the guardianship. Make at least **2 copies** of these documents.

STEP 2 Other things to know for the Court Hearing:

- A. The Juvenile Court utilizes a digital audio recording system to preserve the official record of proceedings. If a party wants a court reporter to record a proceeding in this Court, a written request must be filed with the Clerk of the Court and a copy provided to Juvenile Court Administration at least 72 hours before the commencement of the proceeding.**
- B. If you need a court interpreter,** call 602-506-0490 at least 10 days before the hearing.
- C. Be prepared to testify at the court hearing about why you think the guardianship is needed. Bring any witnesses you think will help you to testify as well.**
- D. AFTER the hearing, you MUST take the original order signed by the Court to the Clerk of the Court. DO NOT LEAVE THE COURT BUILDING WITH THESE DOCUMENTS OR THERE WILL BE NO RECORD OF THE ORDER FOR GUARDIANSHIP. The Clerk will issue documents for you to take with you.**

If you still have questions about this procedure, you can ask a lawyer for legal advice. You can look up a lawyer in the telephone book under "attorneys." Also, the Self-Service Center has a list of lawyers who will (for a fee) advise you on how to conduct your own case. The list shows where the lawyers are located, how much they charge to look over the court papers or answer your questions, and what their experience is.

**ALL FORMS REFERRED TO IN THESE INSTRUCTIONS ARE AVAILABLE
AT THE SELF SERVICE CENTER FOR PURCHASE, OR FOR FREE ON THE WEB AT:**
http://www.superiorcourt.maricopa.gov/ssc/forms/forms_available.asp

SUPERIOR COURT OF ARIZONA MARICOPA COUNTY

In the Matter of Guardianship of

Case Number: JG _____

ORDER TO GUARDIAN(S) AND ACKNOWLEDGMENT

_____ a Minor

The welfare and best interest of the person named above ("the Minor") are matters of great concern to this Court. By accepting appointment as guardian, you have subjected yourself to the power and supervision of the Court. Therefore, to help avoid problems and to assist you in the performance of your duties, this order is entered. You are required to be guided by it and comply with its provisions.

1. You have powers and responsibilities similar to those of a parent of a minor child, except that you are not legally obligated to contribute to the support of the Minor from your own funds.
2. Unless the order appointing you provides otherwise, your duties and responsibilities include (but are not limited to) making appropriate arrangements to see that the Minor's personal needs (such as food, clothing, and shelter) are met.
3. You are responsible for making decisions concerning the Minor's educational, social, and religious activities. If the Minor is 14 years of age or older, you must take into account the Minor's preferences to the extent they are known to you or can be discovered with a reasonable amount of effort.
4. You are responsible for making decisions concerning the Minor's medical needs. Such decisions include (but are not limited to) the decision to place the Minor in a health care facility and the employment of doctors, nurses, or other professionals to provide for the Minor's health care needs. However, you are to use the least restrictive means and environment available, which meets the Minor's needs.
5. You may arrange for medical care to be provided even if the Minor does not wish to have it. This includes mental health care and treatment.
6. You may handle small amounts of money or property belonging to the Minor without being appointed conservator. As a general rule, "small amount" means that the Minor does not receive income (from all sources) exceeding \$5,000.00 per year, does not accumulate excess funds exceeding that amount, and does not own real property. If more than these amounts come into your possession, or are accumulated by you, you are required to petition for the appointment of a conservator.
7. If you handle any money or property belonging to the Minor, you have a duty to do each of the following:
 - a. Care for and protect the Minor's personal effects;

- b. Apply any moneys you receive for the Minor's current support, care, and educational needs;
 - c. Conserve any excess funds not so spent for the Minor's future needs;
 - d. Maintain the Minor's funds in a separate account, distinct from your own and identified as belonging to the Minor;
 - e. Maintain records of all of the Minor's property received and expended during the period of the guardianship;
 - f. Account to the Minor or the Minor's successors at the termination of the guardianship, if requested; and,
 - g. Refrain from purchasing, leasing, borrowing, or using the Minor's property or money for your benefit or for the benefit of anyone else without prior Court approval.
8. You shall not accept any remuneration of any kind for placing the Minor in a particular care facility, using a certain doctor, or using a certain lawyer. "Remuneration" includes, but is not necessarily limited to, direct or indirect payments of money, "kickbacks", gifts, favors, and other kinds of personal benefits.
9. You will need to obtain a certified copy of the letters, which are issued to you by the Clerk of the Superior Court. Your certified copy is proof of your authority to act as guardian of the Minor, and you should have it available when acting on behalf of the Minor. You may need to obtain additional (or updated) copies from time to time for delivery to, or inspection by, the people with whom you are dealing.
10. **ANNUAL REPORT:** You are required to report annually, ***in writing***, with respect to the Minor's residence, physical and mental health, the Minor's financial situation, and whether there still is a need for a guardian. Your report is due each year on the anniversary date of your appointment until the Minor turns 18 or until the guardianship is terminated. In addition to sending copies to the other persons named in the statute, you are directed to file the original annual report with the Clerk of Court, Juvenile Division, and to send a copy to the assigned Judge in the Juvenile Department of this Court. The Self Service Center has forms you can use for the annual report, or you can file your own.
11. You must be conscious at all times of the needs and best interest of the Minor. If the circumstances which made a guardianship necessary should end, you are responsible for petitioning to terminate the guardianship and obtaining your discharge as guardian. Even if the guardianship should terminate by operation of law, you will not be discharged from your responsibilities until you have obtained an order from this Court discharging you. This means if the Minor turns 18, or even dies, you should still petition the Court to *officially* end your responsibilities.
12. **SUCCESSOR GUARDIAN:** If you should be unable to continue with your duties for any reason, you and your successor guardian or conservator must petition the Court to accept your resignation and appoint a successor. If you should die, your personal representative or someone acting on your behalf must advise the Court and petition for the appointment of a successor.
13. If you have any questions about the meaning of this order or the duties which it and the statutes impose upon you by reason of your appointment as guardian, you should consult an attorney or petition the Court for instructions.
14. If you are now, or in the future, become guardian for more than two persons who are not related to you by blood or marriage, you must advise the Court of that fact and provide the Court with such information as it may require. With respect to each such appointment, you must advise the Court in writing of at least the following: (a) the name and address of the court that appointed you, (b) the case number, and (c) the name and address of the Minor.

Case No. _____

WARNING: FAILURE TO OBEY THE ORDERS OF THIS COURT AND THE STATUTORY PROVISIONS RELATING TO GUARDIANS MAY RESULT IN YOUR REMOVAL FROM OFFICE AND OTHER PENALTIES. IN SOME CIRCUMSTANCES, YOU MAY BE HELD IN CONTEMPT OF COURT, AND YOUR CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL, FINE, OR BOTH.

In the Matter of Guardianship of

Case Number: JG _____

a Minor

THIS **ORDER TO THE GUARDIAN(S)** IS HEREBY ENTERED THIS _____

Judge/Commissioner

ACKNOWLEDGMENT: THE UNDERSIGNED ACKNOWLEDGES RECEIVING A COPY OF THIS ORDER AND AGREEING TO BE BOUND BY ITS PROVISIONS, WHETHER OR NOT HE OR SHE READ IT BEFORE SIGNING, AS LONG AS HE OR SHE IS GUARDIAN.

Signature of Guardian

Date Signed

Signature of Guardian

Date Signed

Your Name: _____
Your Address: _____
Your City, State, Zip Code: _____
Your Telephone No: _____
Representing ☐ Self (Without an Attorney) OR ☐ Attorney for _____

**SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**

In the Matter of the Guardianship of _____

Case Number: JG _____

**ORDER OF APPOINTMENT OF A
PERMANENT GUARDIAN OF A MINOR**

A Minor

The Court has read the sworn or affirmed Petition for Permanent Appointment of a Guardian of a Minor and held a hearing to determine whether the Court should enter the Order requested in the Petition.

THE COURT FINDS:

- A. Petitioner is entitled to file the Petition under Arizona law, A.R.S. 14-5303(A).
- B. Petitioner has given Notice of Hearing as required by law, or all interested parties have waived Notice of Hearing.
- C. Venue in this county is proper.
- D. **GUARDIANSHIP:**
1. The above-captioned person is an unmarried minor born on _____.
 2. ☐ All parental rights of custody have been terminated or suspended by written consent of the parent(s), prior court order, or other circumstances.
☐ No guardian of the minor has been appointed by Will or any order of any court, and no other proceedings for the appointment of a guardian are pending in any other court.
 3. ☐ A criminal background check has been reviewed and the Court has concluded that it contains nothing to prevent the appointment; or ☐ No fingerprints or background report was required.
 4. The welfare and best interests of the minor require the appointment of a guardian.
 5. _____ is qualified to serve as Guardian for the Minor.
(Name of Person to be Appointed as Guardian)

IT IS ORDERED: (check the boxes that apply)

1. APPOINTMENT OF GUARDIAN: The Court appoints:

NAME: _____ as Permanent Guardian for the Minor(s)
named in the caption above.

2. BOND:

- ☐ The guardian will serve without bond, restricted letters to issue to him or her upon acceptance of the appointment, OR
- ☐ Bond is set in the amount of \$ _____.

3. **RESTRICTED LETTERS:** Upon entry of this Order, Letters of Guardianship of a Minor shall be issued by the Clerk of the Court, ☐ **WITHOUT RESTRICTION, OR**
☐ **SUBJECT TO THE FOLLOWING RESTRICTIONS:**

4. **ACCEPTANCE OF LETTERS:** The guardian shall sign the Acceptance of the Letters under oath, and file the Acceptance with the Clerk of the Court, Juvenile Division.

5. **ANNUAL REPORT OF GUARDIAN:** The guardian shall report to the Court **in writing** on the status of the Minor and the need to continue the guardianship at least annually by: _____ (Date)
as required by A.R.S. 14-5315, by filing the required form with the Clerk of the Court, Juvenile Division.

6. **CHANGE OF ADDRESS:** The guardian shall immediately notify the Court in writing of any change in the address of himself or herself or of the Minor.

7. **OTHER DUTIES UNDER THE LAW:** The duties of the guardian as required by Arizona law and as set forth in this Order of Appointment and the Order to Guardian and Acknowledgement shall continue until the minor turns 18 or until the guardian is discharged from these duties by order of this Court. The guardian should still petition the Court to officially terminate his or her duties when the Minor turns 18 or if the guardianship otherwise terminates by operation of law.

8. **IT IS FURTHER ORDERED** setting this matter for internal review to determine compliance by the person appointed with this Order at:

Date: _____

Time: _____

Location: ☐ 1810 S. Lewis Street, Mesa, AZ 85210, or
☐ 3131 W. Durango Street, Phoenix, AZ 85009

DONE IN OPEN COURT: _____

JUDGE/COMMISSIONER OF THE SUPERIOR COURT

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

In the Matter of Guardianship
of _____

Case Number JG _____

A Minor

ACCEPTANCE OF APPOINTMENT AS PERMANENT GUARDIAN and LETTERS OF APPOINTMENT

ACCEPTANCE OF APPOINTMENT

I accept the duties as Guardian of : _____
I affirm or swear that I will perform these duties according to law.

GUARDIAN'S SIGNATURE

Signed and sworn or affirmed before me this _____ day of _____,

Michael K. Jeanes, Clerk of Superior Court

Notary

OR

My commission expires: _____

By: _____
Deputy Clerk

ISSUANCE OF LETTERS OF APPOINTMENT

1. **NAME OF GUARDIAN:** _____ **is appointed as Guardian.**

2. **NAME OF PERSON(s) NEEDING GUARDIAN:** _____

3. **LENGTH OF APPOINTMENT:** Until the Minor(s) reach the age of 18, or further order of the Court.

4. **RESTRICTIONS** that apply to this appointment, by Order of the Court:

WITNESS: _____

Michael K. Jeanes, Clerk of the Superior Court

SEAL

By: _____
Deputy Clerk

SELF-SERVICE CENTER

PROCEDURES: WHAT TO DO AFTER THE COURT HEARING FOR GUARDIANSHIP OF A MINOR

STEP 1 What to do after the hearing is over:

A. GO TO THE CLERK OF THE COURT, JUVENILE DIVISION:

If the Judge/Commissioner grants the PETITION FOR PERMANENT APPOINTMENT OF GUARDIAN OF A MINOR, **YOU MUST TAKE THE ORIGINALS OF THE FOLLOWING DOCUMENTS TO THE CLERK'S FILING COUNTER:**

- ORDER OF APPOINTMENT,
- ACCEPTANCE OF APPOINTMENT AS PERMANENT GUARDIAN (AND LETTERS OF APPOINTMENT)

When you take the documents listed above, *the Clerk* will:

- Review the ORDER OF APPOINTMENT,
- Have you sign the ACCEPTANCE OF APPOINTMENT (You will need to show a photo ID.)
- Complete the LETTERS (on same page as the ACCEPTANCE),
- File the originals,
- Issue conformed or certified copies, as requested.

Note: It is recommended that you obtain a **CERTIFIED** copy of the LETTERS for you to prove that you have the appointment and authority from the Court. There is an **\$18.00 certification fee plus \$0.50 per page** for each document.

B. BOND: If the Judge/Commissioner did not waive the bond and ordered that you post a bond for a certain amount, call a bonding company, purchase the bond, and file the original bond with the court. Do this **immediately** after the Order is signed, because LETTERS will not be issued without the bond.

C. LETTERS OF APPOINTMENT: Keep a **certified copy** of the LETTERS to show anyone who needs to know that you have authority from the Court to act as guardian, and what the authority is.

D. ORDER OF APPOINTMENT: Keep a copy of this to remember what the Judge/Commissioner ordered you to do specifically in this case.

E. ORDER TO GUARDIANS: This Order contains the general instructions about what you are required to do as guardian. Keep a copy of this Order to refer to as needed.

STEP 2 What else to do after the court hearing:

A. CHANGE OF ADDRESS: You must notify the Court if there is a change of address for yourself or the Minor.

1. **CHANGE OF ADDRESS FOR GUARDIAN:** If you have been appointed as a guardian, you must immediately notify Juvenile Court in writing if your mailing address changes anytime during the term of your appointment. Your change of address notice must include the case number of the case(s) in which you have been appointed.

2. **CHANGE OF ADDRESS FOR MINOR(S):** If you have been appointed as a guardian you must notify Juvenile Court in writing **within 72 hours** of the change of address of a Minor. The notice must contain the case number and the Minor's new address.

NOTE: Notices may be personally delivered to the Court or mailed to the Juvenile Court that handled your case at either:

Clerk of the Court
3131 W. Durango St.
Phoenix, AZ 85009

Clerk of the Court
1810 S. Lewis St.
Mesa, AZ 85210

NOTE: A guardian who fails to notify the Court of a change of address will be required to pay all costs resulting from any failure to notify the Court of that change.

- B. FILE ANNUAL REPORT OF GUARDIAN:** You **must** file this form with the Clerk of the Court, Juvenile Division, **in writing every year on or before the anniversary date** of the ORDER OF APPOINTMENT as guardian of the minor.

The annual report describes to the Court the following:

- How you are caring for the minor, **AND**
- Whether the guardianship should be continued.

Note: You must file a Petition with the court if you wish to terminate the guardianship and be legally discharged as the guardian.